



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.541 of 2021

1.K.T.Nicholas
K.T.Thomas (died)
2.K.T.Thomas (Jr)
3.K.T.Paul
4.K.T.George
5.K.T.Sebastian
6.K.T.Joseph
7.K.T.John
8.K.T.Abraham
9.K.T.Lazer
(Plaintiffs 1 to 8 and 10
are represented by their Power of Attorney
the 9th plaintiff)

... Petitioners /Plaintiffs

-Vs-

1.N.Vallinayagam
2.V.N.Sundaram
3.R.Rajendran
4.K.Valliammal
5.Vallinayagam

... Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India , to dispose of the suit in O.S.No.104 of 2006 on the file of the I Additional Subordinate Court at Nagercoil within the time span as fixed by this Court.

For Petitioners : Mr.V.Raghavachari

O R D E R

This Civil Revision Petition has been filed to dispose of the suit in O.S.No.104 of 2006 on the file of the I Additional Subordinate Court at Nagercoil, within the time span as fixed by this Court.

2.The learned counsel for the petitioners would submit that the petitioners as plaintiffs filed the suit in O.S.No.104 of 2006 before the I Additional Subordinate Judge at Nagercoil against the respondents/defendants for the relief of partition and claiming 1/3rd share in the suit schedule of properties. The learned counsel would further submit that the petitioners commenced the trial as early as on 10.10.2011 and the cross examination came to an end on 22.07.2015. The learned counsel further submitted that most of the revision petitioners are senior citizens. The grievance of the petitioners is that the suit is pending before the trial Court for the past 14 years and till date, the respondents/defendants are



dragging the matter by filing numerous petitions. Hence, the petitioners have come forward with this Civil Revision Petition seeking early disposal of the suit in O.S.No.104 of 2006.

3. Since this Civil Revision Petition is filed for early disposal of the Suit, as no adverse order is going to be passed, notice to the respondents is dispensed with.

4.It is very unfortunate that the suit is pending before the trial Court for the past 14 years. Considering the facts and circumstances of the case and also considering that the revision petitioners are all senior citizens, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit on day to day basis. Without advertting to the merits of the case, a direction is issued to the learned I Additional Subordinate Judge at Nagercoil to dispose the suit in O.S.No.104 of 2006 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The I Additional Subordinate Judge
Nagercoil

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-13455[F] dated 24/03/2021)

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23.03.2021

PM(CO)

KB(23.04.2021) 2P 3C